

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANDREA L. NGO, : No. 1:00-CV-00961

Plaintiff, :

vs. : ORDER

CITY OF CINCINNATI, et al., :

Defendants. :

On March 11, 2004, the Court held a status conference in this matter. At this conference, the Plaintiff moved for leave to file a second amended complaint. While defense counsel indicated he had no objection, he also noted that he had, one day prior, filed a motion to dismiss (doc. 24).

Given that the Plaintiff already amended her complaint once as of right, leave to amend the current complaint is governed by Fed. R. Civ. P. 15(a), which provides that such leave shall be “freely given when justice so requires.” Fed. R. Civ. P. 15(a). In this case, given that no responsive pleading has yet been filed, the Court finds that the Defendants could not be prejudiced by permitting amendment of the complaint. Accordingly, Plaintiff’s motion for leave to file a second amended complaint is GRANTED. Plaintiff is instructed to file her second amended complaint on or before March 26, 2004. At that time, the Defendants should determine whether any or all of the pending motion to dismiss is applicable to the second amended complaint. If so, they should notify the Court by filing a notice to this effect and, if warranted, supplement the motion to dismiss to address any additional grounds raised by the second amended complaint. The remainder of this Order establishes the schedule for the current action.

**I
PROCEEDINGS FOR TRIAL**

This matter will proceed to trial as follows:

- (A) Any dispositive motions will be filed by September 1, 2004. Motions must be filed by this date, and any motions filed after this date may be subject to a motion to strike. Parties are referred to Local Rule 7.2, which restricts letters to the Court. Correspondence with the Court should be by motion, except as expressly permitted by the Rule.
- (B) Discovery will be completed by August 1, 2004. All matters relating to discovery will be referred to the United States Magistrate Judge to whom the case has been assigned.
- (C) A final pretrial conference has been tentatively scheduled for November 3, 2004, at 10:00 A.M.
- (D) Trial has been tentatively scheduled for December 14, 2004, on an on-deck basis. On-deck trials will be released late Thursday afternoon the week before the scheduled trial date.
- (E) This is expected to be a three-day jury trial.
- (F) Any proposed jury instructions, jury interrogatories, and/or special verdict forms are to be submitted at least three (3) business days before the trial date and must cite to all sources used. In addition, the Court requests that the parties submit such documents to the Chambers on a computer disc that is compatible with WordPerfect version 8.0 or 10.0.
- (G) Exhibits are to be submitted at least ten days prior to trial.
- (H) Any motions or entries for extensions of time must recite the final pretrial date and trial date.

**II
ORDERING OF TRANSCRIPTS**

Any request for daily copy of a trial should be made to Mary Ann Ranz, the Judge's Court Reporter, at the time of the final pretrial conference. Under no circumstances will the

Judge allow a daily transcript or an over-night transcript if daily copy is not arranged in advance of trial.

**III
STATUS REPORTS**

It will not be necessary for counsel to advise the Court in writing on the status of this case.

**IV
ADDITIONAL CONFERENCES**

If the need for the Court's assistance arises, counsel may make a joint appointment for additional conferences.

**V
TRANSFERRAL**

In accordance with Western Division Rule No. 1 and Rule 53, Federal Rules of Civil Procedure, this matter may be transferred to the United States Magistrate Judge for disposition or for him to serve as Master.

SO ORDERED.

Date: March 18, 2004

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge